

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00  
DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01  
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PC-01 DHA-02 /067 W  
-----071733Z 058780 /41

O 050155Z MAR 77  
FM AMEMBASSY SAN SALVADOR  
TO SECSTATE WASHDC NIACT IMMEDIATE 3569

C O N F I D E N T I A L SECTION 1 OF 2 SAN SALVADOR 1050

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: GDS  
TAGS: PINT, PINS, SHUM, ES  
SUBJECT: FRASER COMMITTEE HEARINGS

REFS: (A) STATE 046447, (B) SAN SALVADOR 1013, (C) SAN SALVADOR  
0937, (D) SAN SALVADOR 0907, (E) SAN SALVADOR 901, (F) SS 0900

1. INTRODUCTION: THE FOLLOWING ANSWERS TO REFTEL QUERIES  
REPRESENT THE EMBASSY'S QTE BEST GUESS END QTE ANALYSIS  
OF WHAT OCCURRED IN THE JUST-COMPLETED 1977 PRESIDENTIAL ELECTION  
PROCESS. IT IS OBVIOUSLY DIFFICULT FOR A DIPLOMATIC  
MISSION TO GATHER QTE HARD INFORMATION END QTE ON A HOST  
GOVERNMENT'S DOMESTIC POLITICAL PRACTICES, BOTH FROM  
A LACK OF INVESTIGATIVE RESOURCES, AS WELL AS THE  
IMPROPRIETY OF GOING MUCH BEYOND INDIRECT OBSERVATION AND AN-  
ALYSIS AND WHAT OUR CONTACTS FOR WHATEVER REASON TELL US.  
2. IN ALMOST ALL ELECTIONS, CHARGES OF FRAUD BY ONE OR  
ANOTHER PARTICIPANT, ESPECIALLY LOSERS, ARE NOT UNCOMMON.  
THE GOES CLAIMS THAT SUCH CHARGES IN EL SALVADOR ARE  
A RESULT OF THIS PHONEMENON. THE EMBASSY NOT AGREE WITH THIS CONTENT-  
ION.  
3. WHAT FOLLOWS IS BASED, FOR THE MOST PART, ON AN ACCUMULATION  
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OF CIRCUMSTANTIAL RATHER THAN PHYSICAL EVIDENCE. THERE IS ONE MAJOR  
PIECE OF "HARD EVIDENCE" IN THE 1977 ELECTION, A TAPE RECORDING  
WHICH PURPORTS TO BE THE OPPOSITION'S INTERCEPTION OF A MILITARY  
RADIO FREQUENCY USED TO DIRECT MASSIVE MANIPULATION OF THE DEPART-  
MENT OF SAN SALVADOR VOTING PROCESS BY GOVERNMENT AGENTS (SAN  
SALVADOR 0833). THE TAPE (A COPY BEING POUCHED) IS A SIX-HOUR  
EXCHANGE OF RADIO MESSAGES TRANSMITTING INSTRUCTIONS TO INTERVENE.

IF GENUINE, THE RECORDING PROVES MASSIVE AND GROSS FRAUD, SUFFICIENT TO PLACE IN DOUBT THE VALIDITY OF THE ENTIRE ELECTION PROCESS. THE QUESTION IS WHETHER OR NOT THE TAPE IS WHAT IT PURPORTS TO BE. THE EMBASSY'S BEST GUESS IS THAT THE RECORDING IS GENUINE. AN EMBASSY OFFICER RECOGNIZES A NUMBER OF PARTICIPANTS' VOICES AS GOES OFFICIALS, CIVILIAN AND MILITARY. HE HAS CONFRONTED SOME WITH HIS CONCLUSION, AND RECEIVED ADMISSIONS OF THEIR PARTICIPATION.

4. THE ANSWERS TO THE SPECIFIC QUERIES IN REFTTEL, IN ORDER:

(1) YES. THE 1962 CONSTITUTION IS CONSISTENT WITH ARTICLE 21 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN THAT:

"ARTICLE 3. THE GOVERNMENT IS REPUBLICAN, DEMOCRATIC AND REPRESENTATIVE.",

"ARTICLE 29. VOTING SHALL BE DIRECT, EQUAL AND SECRET"; AND ARTICLES 30-35 PROVIDE THE MECHANISMS TO CARRY OUT SUCH DEMOCRATIC ELECTIONS.

(2) YES. THE 1962 CONSTITUTION PROVIDES, IN ARTICLE 34, FOR THE ESTABLISHMENT OF A CENTRAL ELECTION COUNCIL WHICH "SHALL BE THE SUPREME AUTHORITY" TO "RECEIVE, COUNT, AND SUPERVISE VOTES AND FOR OTHER ACTIVITIES CONNECTED WITH THE EXERCISE OF SUFFRAGE." "THE CONTESTING POLITICAL PARTIES HAVE THE RIGHT TO WATCH OVER THE ELECTORAL PROCESS." ARTICLE 35 ESTABLISHES THE GROUND RULES FOR APPOINTING THE CENTRAL ELECTION COUNCIL. THESE TWO ARTICLES ARE IMPLEMENTED VIA THE ELECTORAL CODE, ENACTED BY THE NATIONAL ASSEMBLY IN SEPTEMBER 1961.

(3) CONSIDERABLE CIRCUMSTANTIAL EVIDENCE INDICATES THAT CERTAIN CONSTITUTIONAL AND ELECTORAL CODE  
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GUARANTEES AND SAFEGUARDS WERE IGNORED AND/OR OBSERVED IN FORM BUT NOT IN SUBSTANCE DURING THE 1977 ELECTORAL CAMPAIGN. SUCH EVIDENCE WOULD INCLUDE: (A) CONTROL OF THE CCE BY THE GOVERNMENT - THE CENTRAL ELECTORAL COUNCIL DOES NOT APPEAR TO FUNCTION AS THE INDEPENDENT, IMPARTIAL ARBITER DESCRIBED IN THE CONSTITUTION AND ELECTORAL CODE. THE THREE-MEMBER NATIONAL COUNCIL, APPOINTED BY THE NATIONAL ASSEMBLY (54 PCN DEPUTIES, O UNO), AND CONSTITUENT LOCAL COUNCILS THE PARENT BODY IN TURN ESTABLISHES, APPEAR AMENABLE TO PRESSURES AND DICTATES FROM THE INCUMBENT REGIME. IN THIS ELECTION, AS IN ALL RECENT CAMPAIGNS, THE CCE CONSISTENTLY DISALLOWED OPPOSITION CHALLENGES, BOTH SUBSTANTIVE AND PROCEDURAL. NOT ONE SIGNIFICANT OPPOSITION PETITION TO THE CCE RESULTED IN A RULING FAVORABLE TO THE UNO. SUCH MANIPULATION OF THE CCE'S AUTHORITY TO INSCRIBE PARTIES AND CANDIDATES AND OF ITS ROLL AS AN APPEAL BODY, IN MANNERS FAVORABLE TO THE GOVERNMENT WAS MOST FLAGRANT DURING THE 1976 LEGISLATIVE AND MUNICIPAL ELECTIONS (SAN SALVADOR 1196 AND PREVIOUS - 1976).

(B) OPPOSITION RIGHT TO OBSERVE VOTING - IN THIS ELECTION,  
AS IN OTHER RECENT PLEBISCITES, THE OPPOSITION'S  
CONSTITUTIONAL RIGHT TO QTE WATCH OVER END QTE THE  
BALLOTING HAS BEEN HAMPERED. OPPOSITION COMPLAINTS TO THE CCE  
DEALING WITH THE ELECTION OF ITS OBSERVERS FROM POLLING PLACES,  
AND OTHER HARASSMENTS AND IMPEDIMENTS, HAVE BEEN CONSISTENTLY DIS-  
MISSED WITHOUT FURTHER INQUIRY DESPITE CONSIDERABLE CIRCUMS-  
TANTIAL EVIDENCE THAT SUCH CHARGES HAD A BASIS IN FACT (NEWS-  
PAPER ACCOUNTS OF DETENTIONS AND EXPULSIONS OF UNO OBSERVERS,  
ETC.).

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NNN

MRN: 1977SAN SA001050 SEGMENT NUMBER: 000002 ERROR READING TEXT INDEX  
FILE; TELEGRAM TEXT FOR THIS SEGMENT IS UNAVAILABLE

## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009